

1. The State of Texas provides home and community care to functionally disabled individuals to the extent described and defined in this Supplement in accordance with section 1929 of the Social Security Act.

XXX yes no

2. Home and community care services are available Statewide.

XXX yes no

If no, these services will be available to individuals only in the following geographic areas or political subdivisions of the State (specify):

3. The home and community care services specified in this Supplement will be limited to the following target groups of recipients (specify all restrictions that will apply):

a. aged (age 65 and older)

b. In accordance with §1929(b)(2)(A) the Act, individuals age 65 or older who were served under a waiver granted pursuant to section 1915(c) of the Act on the date on which that waiver was terminated. Financial eligibility standards for these individuals are specified in Appendix A. Minimum disability standards for these individuals are specified in Appendix B.

c. In accordance with §1929(b)(2)(A) the Act, individuals who were served under a waiver granted pursuant to section 1915(d) of the Act on the date on which that waiver was terminated. Financial eligibility standards for these individuals are specified in Appendix A. Minimum disability standards for these individuals are specified in Appendix B.

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- d. XXX In accordance with §1929(b)(2)(B) of the Act, individuals who meet the test of disability under the State's §1115 waiver which provided personal care services under the State plan for functionally disabled individuals, and which was in effect on December 31, 1990. Financial eligibility standards for these individuals are specified in Appendix A. Functional disability standards for these individuals are specified in Appendix B.
4. Standards for financial eligibility are set forth in Appendix A. Each individual served shall meet applicable standards for financial eligibility.
5. Each individual served will meet the test of functional disability set forth in Appendix B.
6. Additional targeting restrictions (specify):
- a. Eligibility is limited to the following age groups (specify):
- _____
- _____
- b. Eligibility is limited by the severity of disease or condition, as specified in Appendix B.
- c. Other (specify):
- _____
- _____
7. The State will provide for a comprehensive functional assessment for a financially eligible individual who meets the targeting requirements set forth in item 3 and 6 of this Supplement. This assessment will be provided at the request of the individual or another person acting on such individual's behalf. The individual will not be charged a fee for this assessment.

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8. The comprehensive functional assessment will be used to determine whether the individual is functionally disabled, as defined in Appendix B. Procedures to ensure the performance of this assessment are specified in Appendix D.
9. In order to conduct the Comprehensive Functional Assessment:
(Check one)
- a. _____ The State will use the assessment instrument designed by HCFA.
- b. _____ The State will use an assessment instrument consistent with the minimum data set of core elements, common definitions, and utilization guidelines specified by HCFA. A copy of the assessment instrument can be found at Appendix D.
- c. XXX The State will provide services under §1929(b)(2)(B) and use an assessment instrument which is consistent with the one in use for its §1115 waiver at the date of the waiver's discontinuance.
10. The comprehensive functional assessment will be reviewed and revised not less often than every 12 months. Procedures to ensure this review and revision are specified in Appendix D.
11. The comprehensive functional assessment and review will be conducted by an interdisciplinary team designated by the State. Qualifications of the interdisciplinary team are specified in Appendix D.
12. Based on the comprehensive functional assessment or review, the interdisciplinary team will:
- a. identify in each such assessment or review each individual's functional disabilities and need for home and community care, including information about the individual's health status, home and community environment, and informal support system; and

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- b. based on such assessment or review, determine whether the individual is (or continues to be) functionally disabled.
13. The results of the comprehensive functional assessment or review will be used in establishing, reviewing and revising the individual's Individual Community Care Plan (ICCP).
14. An ICCP will be developed by a qualified community care case manager for each individual who has been determined, on the basis of a comprehensive functional assessment, to be a functionally disabled elderly individual.
15. All services will be furnished in accordance with a written ICCP which:
- a. is established, and periodically reviewed and revised, by a qualified community care case manager after a face-to-face interview with the individual or primary care giver,
 - b. is based upon the most recent comprehensive functional assessment of the individual;
 - c. specifies, within the amount, duration and scope limitations specified in Appendix C, the home and community care to be provided under the plan. The ICCP will specify the community care services to be provided, their frequency, and the type of provider to furnish each service;
 - d. indicates the individual's preferences for the types and providers of services; and
 - e. may specify other services required by the individual.
- A copy of the ICCP to be used in implementing this benefit is included in Appendix E.
16. Each individual's ICCP will be established and periodically reviewed and revised by a qualified community care case manager, as provided in Appendix E.
17. A qualified community care case manager is a nonprofit or public agency or organization which meets the conditions and performs the duties specified in Appendix E.

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18. The State will provide the following home and community care services, as defined, described and limited in Appendix C to the groups specified in items 4, 5 and 6 of this Supplement.

- a. _____ Homemaker services
- b. _____ Home health aide services
- c. _____ Chore services
- d. XXX _____ Personal care services
- e. _____ Nursing care services provided by, or under the supervision of, a registered nurse
- f. _____ Respite care
- g. _____ Training for family members in managing the individual
- h. _____ Adult day care
- i. _____ The following services will be provided to individuals with chronic mental illness:
 - 1. _____ Day treatment
 - 2. _____ Partial hospitalization
 - 3. _____ Psychosocial rehabilitation services
 - 4. _____ Clinic services (whether or not furnished in a facility)
- j. _____ Other home and community-based services (other than room and board) as the Secretary may approve. The following other services will be provided:
 - 1. _____ Habilitation
 - A. _____ Residential habilitation
 - B. _____ Day habilitation
 - 2. _____ Environmental modifications
 - 3. _____ Transportation

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4. _____ Specialized medical equipment and supplies
5. _____ Personal emergency response systems
6. _____ Adult companion services
7. _____ Attendant care services
8. _____ Private duty nursing services
9. _____ Extended State plan services (check all that apply):

- A. _____ Physician services
B. _____ Home health care services
C. _____ Physical therapy services
D. _____ Occupational therapy services
E. _____ Speech, hearing and language services
F. _____ Prescribed drugs
G. _____ Other State plan services (specify):

10. _____ Other home and community based services - (specify): _____

19. The State assures that adequate standards for each provider of services exist and will be met. These provider standards are found at Appendix C-2.
20. The agency will provide an opportunity for a fair hearing, under 42 CFR Part 431, subpart E, to individuals who are adversely affected by the determinations of the interdisciplinary team, or who are denied the service(s) of their choice or the provider(s) of their choice, or who disagree with the ICCP which has been established.

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21. Federal Financial Participation (FFP) will not be claimed for the home and community care services specified in item 7 of this Supplement prior to the development of the ICCP. FFP will not be claimed for home and community care services which are not included in the ICCP.
22. The State provides the following assurances to HCFA:
 - a. Home and community care services will not be furnished to recipients while they are inpatients of a hospital, NF, or ICF/MR.
 - b. FFP will not be claimed in expenditures for the cost of room and board, except when provided as part of respite care furnished in a facility which is (1) approved by the State, and (2) not a private residence. Meals furnished under any community care service (or combination of services) will not constitute a "full nutritional regimen" (3 meals a day).
 - c. FFP will not be claimed in expenditures for the cost of room and board furnished to a provider of services.
 - d. The agency will provide HCFA annually with information on the amount of funds obligated by the State with respect to the provision of home and community care to the functionally disabled elderly in that fiscal year. These reports will begin with information relative to FFY 1990. The State assures that it will provide data on its maintenance of effort, as required by section 1929(e) of the Social Security Act, in such format and at such times as are specified by HCFA.
 - e. The home and community care provided, in accordance with this Supplement and Appendices, will meet all requirements for individual's rights and quality of care as are published by HCFA.
 1. All individuals providing care are competent to provide such care; and
 2. Each individual receiving home and community care will be accorded the rights specified in Appendix F.

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23. FFP will not be claimed for the home and community care services specified in item 7 of this Supplement in any quarter to the extent that cost of such care in the quarter exceeds 50 percent of the product of:
- a. the average number of individuals in the quarter receiving home and community care;
 - b. the average per diem rate of Medicare payment for NF care furnished in the State during such quarter; and
 - c. the number of days in such quarter.
24. Community care settings in which home and community care is provided will meet the requirements set forth in Appendix G.
25. The State will refuse to provide Home and Community Care in settings which have been found not to meet the requirements of §1929(g) and (h).
26. The State will comply with the requirements of §1929(i) of the Act, regarding survey and certification of community care settings.
27. The State will comply with the requirements of §1929(i) of the Act, regarding the compliance of providers of Home and Community Care and reviews of this compliance.
28. The State will provide for an enforcement process for providers of Home and Community Care as required by §1929(j) of the Act.
29. The State assures that payment for home and community care services will be made through rates which are reasonable and adequate to meet the costs of providing care, efficiently and economically, in conformity with applicable State and Federal laws, regulations, and quality and safety standards.
30. Payment will not be made for home and community care to reimburse (or otherwise compensate) a provider of such care for payment of a civil money penalty imposed under Title XIX or Title XI of the Social Security Act or for legal expenses in defense of an exclusion or civil money penalty under Title XIX or Title XI of the Social Security Act if there is no reasonable legal ground for the provider's case. The State

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will consider that reasonable legal ground exists if the provider's defense prevails.

31. The State will begin provision of services under section 1905(a)(23) of the Social Security Act effective (specify date): July 1, 1991

These services will be provided for a minimum of four calendar quarters, beginning on this date.

32. Services will be provided to eligible recipients for the duration of the period specified in item 31, above, without regard to the amount of FFP available to the State.

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APPENDIX A - FINANCIAL ELIGIBILITY FOR SERVICES

APPENDIX A-1 MEDICAID ELIGIBILITY GROUPS SERVED

- a. Home and community care services will be made available to individuals age 65 or older, when the individuals have been determined to be functionally disabled as specified in Appendix B. States operating under §1929(b)(2)(B) may serve additional age groups.
- b. Individuals served under this provision must meet the following Medicaid eligibility criteria (check all that apply) (States covered by §1929(b)(2)(B) do not have to complete):
1. _____ SSI/SSP recipients, age 65 or older who have been determined to be functionally disabled as specified in Appendix B.
- A. _____ The agency uses the same methodologies for treatment of income and resources as used in the SSI program (or the optional State supplement program which meets the requirements of 42 CFR 435.230, as appropriate).
- B. _____ The agency uses methodologies for treatment of income and resources that differ from those of the SSI program. These differences result from restrictions applied under section 1902(f) of the Act. The methodologies are described in Supplement 5 to Attachment 2.6-A.

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